

Welcome by Chief Justice Rush:

On behalf of the Indiana court system and the judge, attorneys, and parties—thank you for answering the call for jury service today. Every case that’s presented to a jury, is incredibly important to all of the people involved in it. And they’re trusting their case to the fair, impartial judgment of people from their own community—all of you. We know jury service is rarely easy or convenient. But our system of justice cannot work without people like you, and we are grateful to all of you.

As you begin the jury selection process, I hope this short video helps you feel more knowledgeable about our justice system and prepares you for this important role. Again, thank you for your time and willingness to serve.

## **Indiana Jury Service: Duty, Privilege, Honor**

- Narrator: After a hard day at work, you stroll to your mailbox, minding your own business, and you reach in to get the daily mail, when you discover...that’s right, a jury summons.
- Now don’t think the Indiana court system doesn’t know how some of you might feel about being called to jury service.
- There may be a handful of you who look forward to jury duty like a root canal, or your two-hour aerobic exercise instruction, or some endless flight delay.
- Yes, jury service does interrupt our daily routines. Still, you’re making an important contribution by being here today. As a member of a jury, you’re one of the most important parts of the Indiana justice system, and you’re helping to ensure the constitutional rights guaranteed to all Hoosiers. Not a bad privilege, huh? And hey, now that you’re here, you might as well join in and help make a difference. The process is actually pretty interesting. Today you’re going to hear evidence presented in court and make important decisions that affect human lives. Listen to what some Hoosier citizens just like you have experienced during their jury service...
- Juror: When I told my friends, it was like their reaction was, “oh no, you are in for it now.” But I was pleasantly surprised. I wanted to be a part of it.
- Juror: I decided, well, yes I can do this. And, decided I would give you know my best shot, as far as, doing my best job as being a juror.
- Narrator: Well, we certainly understand the importance of what you’re doing here today and why you’re doing it. So, what’s next? What can you expect from your role as a potential juror in the Indiana court system?

...Let's find out.

You and a large group of fellow Hoosiers have been randomly selected to serve as potential jurors.

You may have already been asked or you soon will be asked to fill out a questionnaire to help the court match the circumstances of each case to the most qualified jurors for that case. This questionnaire explores important information about your background. It's simply a way that the court and the lawyers can better understand the facts or personal experiences that might influence your opinions about a particular case. The judge and attorneys always respect the private nature of such questionnaires. You can be assured that your answers are intended to be used for the purposes of this case and this case only.

Next, we enter the courtroom.

The judge will begin by administering an oath to you and other potential jurors that simply affirms your willingness to tell the truth.

Then the judge and attorneys will begin to ask you and the other prospective jurors a series of questions. Lawyers call this part of the trial either voir dire or voir dire, which means "to speak the truth." This is the way the judge and lawyers strive to make sure that they will assemble a fair and impartial jury. In a way, they want to get to know you a little better, particularly if you're chosen to decide the case.

During this questioning, you will also have the opportunity to communicate openly with the attorneys and the court. Remember, the goal here is to create a fair and impartial jury. If you feel as though there's some critical piece of information about your background or personal circumstances that might influence your opinions in the case, this is the opportunity—and your responsibility—to let the court know your concerns.

Juror: The questions that they ask when they are trying to select the jury, when the attorneys ask you questions. I don't think you should take those in any way shape or form personal. I mean they are not personal questions. They are just probing the individuals to try and find out who they feel would be best people to have on the jury.

Juror: I wanted to be picked because at that point I felt that, I felt the seriousness of the issue and I wanted to do my duty as a citizen and become a juror.

Narrator: Based on your questionnaire and your answers during questioning, you may be excused from jury service. If this happens, it's not a reflection on you personally. In order to select a fair and impartial jury, many factors must be considered, for example whether or not you have any contacts with lawyers, family, or anyone else possibly related to the case.

The situation surrounding the case may not be right this time for jury service, but the next time you're asked to serve, the circumstances may prove to be perfect for you as a juror. Once you've been called to jury service, whether or not you're selected, you've fulfilled your obligation for at least 24 months.

Narrator:

OK, now you're a member of the jury. Before we get started, it's important to get to know some of the key people in the courtroom and how they'll relate to you during the trial.

The first person, of course, is the judge. Judges have spent a lot of time studying the law, and it's their job to make sure that the trial remains fair. At times, the judge will speak directly to you and other jurors to give you specific instructions about the case. At other times, the judge will be talking directly to the lawyers. At all times, the judge will strive to ensure that the law in Indiana is applied to the case in a fair and impartial way. Be sure to pay close attention to any instructions the judge gives you and the other jurors in order to help maintain fairness in the courtroom.

Here you'll have the different sides, or parties, who have come before the court today.

Each party may be represented by lawyers.

You may hear one of these parties referred to as "the plaintiff" or "the State," and the other party referred to as "the defendant." Their roles will vary depending on the type of case you hear.

In a civil case, the plaintiff is the party who brings the lawsuit to court, and the defendant is the one who's being sued.

In a criminal case, the plaintiff is the State of Indiana, and the defendant is the one who's being accused.

Regardless of the type of case you hear, evidence will be presented in the court. You must carefully weigh this evidence with your fellow jurors in an effort to make informed decisions.

During this presentation of evidence, attorneys may call witnesses. Witnesses are people who will be presenting you with testimony about something they saw or did that pertains directly to the case. The testimony of a witness is one piece of evidence, along with physical exhibits, you'll be considering in your final jury deliberations.

More about evidence in a moment. But for now, let's introduce you to the bailiff. The bailiff is the only communication link between you and the court and can address your personal, private needs throughout the case.

Need a pad of paper to take notes? Ask the bailiff. Have any questions about courtroom procedures? Write the question down and give it to the bailiff who will deliver it to the judge.

Most likely there will be others in the courtroom, as well. There will be a court reporter recording the proceedings.

You might even have an audience in the back of the courtroom.

But with these main players in place, and you and your fellow jurors seated in the jury box, the trial will be ready to begin.

The judge will start by reading some preliminary instructions to you and the other jurors. Then the attorneys will typically present you with opening statements that will give you an overview of the case.

Following the opening statements, evidence will be presented. This can be either the testimony of witnesses or the presentation of physical exhibits. Each side has the right to examine, or ask questions, and cross-examine the evidence as it is being presented.

You may not realize this, but you even have the right to ask questions as each witness concludes his or her testimony. Now, this isn't the time for you to jump up and shout, "Where were you on the night of August 12<sup>th</sup>?" Real courtroom procedures don't work that way. Any questions from the jury can be submitted to the judge for consideration. The judge for your trial will instruct you as to the proper procedures for submitting your questions to the court.

As a juror, you are allowed to discuss the evidence with your fellow jurors in the jury room during recesses if all jurors and alternates are present. In participating in these discussions, you should keep an open mind and not make a decision about the outcome of the case until you participate in final deliberations.

Pay close attention to all evidence introduced during the trial. The presentation of evidence and the laws presented by the judge are the only things you can consider during your jury deliberations—along with your own common sense, of course. Remember that the lawyers' arguments cannot be considered as evidence in your deliberations. Only the answers witnesses provide during the trial and the introduction of physical exhibits allowed by the judge are to be considered evidence.

One final word about evidence. While the court appreciates your willingness and enthusiasm to serve, you are not permitted to strike out on your own and "play detective" to seek out additional evidence and information about the case. You must not rush out to a crime scene or attempt to talk to a witness. In addition, you must not read, watch or listen

to any media, electronic or communications sources that might present information about the trial. You must not communicate about the case with anyone until this case is over, including posts, blogs, social media, email, text messaging, or Internet chat rooms.

As the case draws to a close, the attorneys will present their closing arguments and the judge will give you and the other jurors final instructions. Once the proceedings are complete, the bailiff will then escort you and the other jurors to the jury room to begin deliberations in an effort to reach a verdict.

Juror: One of the things that occurred was the judge explained that, actually when we came into the room, the jurors, everyone in the courtroom stood up for us and so again that just made you feel that gee whiz this really is important and, what I am doing is important.

Juror: What I realized and was pleasant and so pleasantly surprised by was the professionalism and again the respect between the plaintiff, the defendant and of course the jurors.

Narrator: Here you are in the jury room. Throughout the trial, you've not been allowed to talk to lawyers, family, or friends who might influence your decision. You've sat quietly and listened intently throughout the entire trial. Now, in the jury room, it's your turn to let your voice be heard. You and your fellow jurors must now come to a unanimous decision.

It's a very important and sometimes challenging task. You'll want to remain fair and impartial at all times—just as fair and impartial as you would want a juror to be if you were involved in a trial.

So, where do you begin? There are no set rules for conducting jury deliberations. One thing you'll want to do is select a foreperson. The foreperson presides over the deliberations. As well, the foreperson completes the final verdict form and signs it before the jury returns to court. Let's say for example that you are the foreperson today.

You and your fellow jurors have just heard testimony from witnesses and seen physical exhibits pertaining to your case. You'll now collectively weigh the importance of that evidence by openly discussing your opinions and observations.

You'll want to make sure that each juror has an opportunity to discuss his or her views openly, and that everyone is patient and tolerant of each other's thoughts and observations.

Juror: What I did was I asked discussion of every individual relative to what they thought or what the opinion was and we had an open discussion.

Juror: As I went to room with the other jurors you know, I got to know them, different people over there and then I started to feel more comfortable.

Juror: Everybody I think there had one common goal it was to make the right decision. We knew it wasn't a play thing. It was a very important issue to us and we wanted to make the right decision.

Narrator: Finally, once you reach a unanimous decision, the foreperson will complete the verdict form, sign it, and notify the bailiff, who will return you to the courtroom with your fellow jurors. The judge will then read this verdict in court. Once you are dismissed, that's it. You have no obligation to discuss the case with anyone, unless you choose to do so.

Well, there you have it. Soon you'll embark on one of the most significant obligations of citizenship in America. Whew! Doesn't that sound important? But in all seriousness, the Indiana court system respects the contribution you're making here today. The courts strive to be fair and reasonable and want to work with you to make your experience in court as positive as possible.

Juror: If I were that person that was being defended by one of the lawyers and was wanting a just decision rendered, I would want to have someone like me and like the other people on that jury and then I would explain to the person that you know, you are a leveled headed person and that you could, you're able to make good decisions with them based upon the evidence that you see and that you would do a good job on it.

Juror: It was really a great experience. You really are a part of making our judicial experience work and really the opportunity to have someone be a panel of their peers to decide their case really is a huge benefit that we have in our country that many other countries don't have.

Narrator: Back in high school history, we read that our Founding Fathers established a trial by jury as one of our most cherished rights. But it was the American colonists themselves that worked and fought to preserve those rights. For more than two centuries, that's the way it's always been. Generations of American citizens have chipped in and done their part to ensure that those rights we enjoy here in the U.S. will continue for years to come. Today, you're helping to preserve those fundamental, patriotic rights they created way back then. You may not have realized it when you first came here today, but by being here and serving on a jury, you're adding to that important link that makes our justice system work. I'd say that's pretty impressive. Good work, Hoosier citizen.

Oh, and on behalf of all the judges, lawyers, litigants and citizens who use the Indiana court system. Thanks.